

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. Contract Number	Page of Pages 1 6	
2. Amendment/Modification Number M00003		3. Effective Date 29-Aug-06	4. Requisition/Purchase Request No.		5. Solicitation Caption Staff Augmentation
6. Issued By: Office of Contracting and Procurement Office of Chief Technology Officer 441 4th Street, NW, Suite 703 South Washington, DC 20001		Code	7. Administered By (If other than line 6)		
8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code)			(X) 9A. Amendment of Solicitation No. POTO-2006-R-0035		
			X 9B. Dated (See Item 11) 7/17/2006		
			10A. Modification of Contract/Order No.		
			10B. Dated (See Item 13)		
Code		Facility			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning <u>two</u> copies of the amendment: (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or fax, provided each letter or telegram makes reference to the <u>solicitation and this amendment, and is received prior to the opening hour and date specified.</u>					
12. Accounting and Appropriation Data (If Required)					
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14					
(X) A. This change order is issued pursuant to: (Specify Authority) The changes set forth in Item 14 are made in the contract/order no. in item 10A.					
B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation date, etc.) set forth in item 14, pursuant to the authority of 27 DCMR, Chapter 36, Section 3601.2.					
C. This supplemental agreement is entered into pursuant to authority of:					
D. Other (Specify type of modification and authority)					
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>Two</u> copies to the issuing office.					
14. Description of amendment/modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.) This administrative modification to Solicitation Number POTO-2006-R-0035 is issued for the purpose of making the following changes:					
1) Add: Section H – SPECIAL CONTRACT REQUIREMENTS H.16 – H.17.8					
2) Delete: AMENDMENT OF SOLICATATION/MODIFICATION OF CONTRACT, Block eleven (11), of Amendment 2					
3) Add: SOLICITATION, OFFER AND AWARD COVER SHEET, Block nine (9) is hereby extend from 9-05-06 to 9-11-06					
4) Add: Amendment 2 Responses to Offeror' s Questions					
SEE ATTACHED					
Except as provided herein, all terms and conditions of the document referenced in Item (9A or 10A) remain unchanged and in full force and effect					
15A. Name and Title of Signer (Type or print)			16A. Name of Contracting Officer William Sharp		
15B. Name of Contractor		15C. Date Signed	16B. District of Columbia		16C. Date Signed
(Signature of person authorized to sign)			/s/		8/29/2006
		(Signature of Contracting Officer)			

Solicitation POTO-2006-R-0035 is hereby amended as follows:

- (1) **Section H – SPECIAL CONTRACT REQUIREMENTS H.16 – H.17.8**
Clause 16. - **LIVING WAGE NOTICE**; Clause 17. - **LIVING WAGE - WAY TO WORK AMENDMENT ACT OF 2006** shall be added in its entirety:

H.16 LIVING WAGE NOTICE

DRAFT NOTICE

“THE LIVING WAGE ACT OF 2006”

Title I, D.C. Law No. 16-118, (D.C. Official Code §§ 2-220.01-.11)

Effective June 9, 2006, recipients of new contracts or government assistance shall pay affiliated employees and subcontractors who perform services under the contracts no less than the current living wage **\$11.75 per hour.**

The requirement to pay a living wage applies to:

- All recipients of contracts in the amount of \$100,000 or more; and, all subcontractors of these recipients receiving \$15,000 or more from the funds received by the recipient from the District of Columbia, and,
- All recipients of government assistance in the amount of \$100,000 or more; and, all subcontractors of these recipients of government assistance receiving \$50,000 or more in funds from government assistance received from the District of Columbia.

“Contract” means a written agreement between a recipient and the District government.

“Government assistance” means a grant, loan or tax increment financing that result in a financial benefit from an agency, commission, instrumentality, or other entity of the District government.

“Affiliated employee” means any individual employed by a recipient who received compensation directly from government assistance or a contract with the District of Columbia government, including any employee of a contractor or subcontractor of a recipient who performs services pursuant to government assistance or contract.

Certain exceptions may apply where contracts or agreements are subject to wage determinations required by federal law which are higher than the wage required by this Act; contracts for electricity, telephone, water, sewer other services delivered by regulated utility; contracts for services needed immediately to prevent or respond to a disaster or eminent threat to the public health or safety declared by the Mayor; contracts awarded to recipients that provide trainees with additional services provided the trainee does not replace employees; tenants or retail establishments that occupy property constructed or improved by government assistance, provided there is no receipt of direct District government assistance; Medicaid provider agreements for direct care services to Medicaid recipients, provided that the direct care service is not provided through a home care agency, a community residential facility or a group home for mentally retarded persons; and contracts or other agreements between managed care organizations and the Health Care Safety Net Administration or the Medicaid Assistance Administration to provide health services.

Exemptions are provided for employees under 22 years of age employed during a school vacation period, or enrolled as a full-time student who works less than 25 hours per week, provided that other employees are not replaced, and for employees of nonprofit organizations that employ not more than 50 individuals.

Each recipient and subcontractor of a recipient shall provide this notice to each affiliate employee covered by this notice, and shall also post this notice concerning these requirements in a conspicuous site in the place of business.

All recipients and subcontractors shall retain payroll records created and maintained in the regular course of business under District of Columbia law for a period of at least 3 years.

This is a summary of the “Living Wage Act of 2006”. For the complete text go to:

www.does.dc.gov or www.ocp.dc.gov

**To file a complaint contact: Department of Employment Services
 Office of Wage-Hour
 64 New York Avenue, N.E., Room 3105, Washington, D.C. 20002
 (202) 671-1880**

17. LIVING WAGE – WAY TO WORK AMENDMENT ACT OF 2006

- 17.1** Except as described in 17.8 below, the Contractor shall comply with Title I of the Way to Work Amendment Act of 2006, effective June 9, 2006 (D.C. Law 16-118, D.C. Official Code §2-220.01 *et seq.*) (“Living Wage Act of 2006”), for contracts for services in the amount of \$100,000 or more in a 12-month period.
- 17.2** The Contractor shall pay its employees and subcontractors who perform services under the contract no less than the current living wage published on the OCP website at www.ocp.dc.gov.
- 17.3** The Contractor shall include in any subcontract for \$15,000 or more a provision requiring the subcontractor to pay its employees who perform services under the contract no less than the current living wage rate.
- 17.4** The Department of Employment Services may adjust the living wage annually and the OCP will publish the current living wage rate on its website at www.ocp.dc.gov.
- 17.5** The Contractor shall provide a copy of the Fact Sheet attached as J._ to each employee and subcontractor who performs services under the contract. The Contractor shall also post the Notice attached as J._ in a conspicuous place in its place of business. The Contractor shall include in any subcontract for \$15,000 or more a provision requiring the subcontractor to post the Notice in a conspicuous place in its place of business.
- 17.6** The Contractor shall maintain its payroll records under the contract in the regular course of business for a period of at least three (3) years from the payroll date, and shall include this requirement in its subcontracts for \$15,000 or more under the contract.
- 17.7** The payment of wages required under the Living Wage Act of 2006 shall be consistent with and subject to the provisions of D.C. Official Code §32-1301 *et seq.*

17.8 The requirements of the Living Wage Act of 2006 do not apply to:

- (1) Contracts or other agreements that are subject to higher wage level determinations required by federal law;
- (2) Existing and future collective bargaining agreements, provided, that the future collective bargaining agreement results in the employee being paid no less than the established living wage;
- (3) Contracts for electricity, telephone, water, sewer or other services provided by a regulated utility;
- (4) Contracts for services needed immediately to prevent or respond to a disaster or eminent threat to public health or safety declared by the Mayor;
- (5) Contracts or other agreements that provide trainees with additional services including, but not limited to, case management and job readiness services; provided that the trainees do not replace employees subject to the Living Wage Act of 2006;
- (6) An employee under 22 years of age employed during a school vacation period, or enrolled as a full-time student, as defined by the respective institution, who is in high school or at an accredited institution of higher education and who works less than 25 hours per week; provided that he or she does not replace employees subject to the Living Wage Act of 2006;
- (7) Tenants or retail establishments that occupy property constructed or improved by receipt of government assistance from the District of Columbia; provided, that the tenant or retail establishment did not receive direct government assistance from the District;
- (8) Employees of nonprofit organizations that employ not more than 50 individuals and qualify for taxation exemption pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));
- (9) Medicaid provider agreements for direct care services to Medicaid recipients, provided, that the direct care service is not provided through a home care agency, a community residence facility, or a group home for mentally retarded persons as those terms are defined in section 2 of the Health-Care and Community Residence Facility, Hospice, and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501); and
- (10) Contracts or other agreements between managed care organizations and the Health Care Safety Net Administration or the Medicaid Assistance Administration to provide health services.

17.9 The Mayor may exempt a contractor from the requirements of the Living Wage Act of 2006, subject to the approval of Council, in accordance with the provisions of Section 109 of the Living Wage Act of 2006.

- (2) **AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT, Block eleven (11)**, of Amendment 2, states that the due date is extended. Please **delete**. There was no extension of due date.
- (3) **SOLICITATION, OFFER AND AWARD COVER SHEET, Block nine (9)** the due date and time for submission of all proposals is hereby extended from 2:00 p.m. local time **September 05, 2006 to September 11, 2006**.

- (4) Amendment 2 **Responses to Offeror's Questions**, please add the following question.
(See attachment 1)

This amendment, together with your bid, must be received in this office prior to the time set for submission of bids.

Revisions or price changes occasioned by this amendment must be received in this office prior to the submission date set for receipt of bids.

FAILURE TO ACKNOWLEDGE RECEIPT OF THIS AMENDMENT MAY BE CAUSE FOR REJECTION.

This amendment is acknowledged and is considered a part of the offer.

Signature of Authorized Representative

Title

Name of Firm

Date

ATTACHMENT 1

DC-Net Pre-Proposal Questions

1. Based upon “oral answers” provided by OCP regarding the new 100% LSDBE set aside requirement for this solicitation, please clarify?

a.) Will **non LSDBE** firms be allowed to perform as subcontractor to an LSDBE prime contractor and/or Joint Venture category, provided the provisions of DC LAW 13-169 (or the current and most recent Law) is followed regarding the % of Total Contract Value (subcontracted) is followed? And if so, please clarify that % of participation.

Answer: Yes, refer to LSDBE clause and Amendment 2 for percentages. All vendors are encouraged to contact the LSDBE at (202) 727-3900 if additional information is required on certification procedures and requirements.

2. Cost / Data Package attachment J13 - Section 1.5 - “Approved accounting system” What is defined as “Approved”? Who needs to approve it? Is there a list of approved off the shelf products?

Answer: This applies to cost-reimbursement contracts. A company’s cost accounting system is approved by their “cognizant Federal or District of Columbia auditor”, as meeting certain standards established by the OMB and/or DCAA. But for anything but a cost reimbursement contract, this is not applicable.

3. What is the minimum and maximum page count of the proposal?

Answer: There is no limit

4. Table 3.1.4a references submission of resumes and commitment letters. Since resumes are no longer required for submission to the proposal, is it still a requirement to provide Table 3.1.4a with commitment letters in the Cost Proposal?

Answer: See Amendment 2 questions 6 and 25

5. Quick question does the Past Performance Evaluation mean 3 references per CLIN or 3 total regardless of how many CLIN's a company is going for.

Answer: 3 references total